

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS**

**JONATHAN VILLAREAL, individually** §  
**and derivatively on behalf of** §  
**ZROBLACK, LLC.** §  
**Plaintiffs,** §  
**v.** §

**CIVIL ACTION NO. 5:20-cv-00571-OLG**

**JOHN SAENZ, MIGUEL** §  
**VILLARREAL, JR., and GUNN, LEE,** §  
**& CAVE, P.C.** §  
**Defendants** §

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**PLAINTIFF'S UNOPPOSED MOTION TO RESET THE HEARING  
CURRENTLY SET FOR MARCH 23, 2021**

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Plaintiff JONATHAN VILLAREAL, individually and derivatively on behalf of ZROBLACK, LLC, (collectively the "Plaintiffs"), by and through its undersigned counsel, files this Unopposed Motion to Reset the Hearing Currently Set for March 23, 2021 at 10:00 a.m. and would respectfully show the Court as follows:

**I. BACKGROUND**

1. On March 1, 2021, by written order (Dkt. 47) the Court set for hearing Defendants' Rule 12 Motions to Dismiss (Dkts. 40 and 41) and Plaintiff's Application for Seizure or Alternatively Preliminary Injunction (Dkt. 22). The hearing is scheduled for March 23, 2021 at 10:00 a.m.

2. Plaintiff's counsel Charles Vethan and Joseph Lanza are set for another hearing in Fort Bend County on the same date and same time in Cause No. 20-DCV-271902; *Wendy Quan and Brenda Ung, Individually and Derivatively on Behalf of Capital Plastics Int'l, Inc., Element Plastics Mfg., Inc., and Cash 10702 Investment, LL et al v. Jeff Quan et al.*, in the 240<sup>th</sup> District

Court. The hearing is for the appointment of a rehabilitative receiver under the Texas Business Organizations Code and is expected to take three days.

## **II. CERTIFICATE OF CONFERENCE**

3. The undersigned conferred with counsel representing Defendants on March 2 and 3, 2021, and again on March 12 to determine whether they were opposed and if not to determine dates for availability. Counsel for all defendants have advised that they are not opposed to resetting the hearing for April 13, 14, 15 (morning only), 16, 20, 21, 22 (morning only), 27, 28 or 29 (morning only).

## **III. REQUESTED RELIEF**

4. Plaintiffs respectfully requests that the hearing currently scheduled for March 23, 2021 at 10:00 a.m. be rescheduled to April 13, 14, 15 (morning only), 16, 20, 21, 22 (morning only), 27, 28 or 29 (morning only).

5. This request is made not for improper purpose and will not materially delay the adjudication of this case.

## **IV. PRAYER**

6. Based on the foregoing argument, Plaintiffs respectfully ask the Court to grant Plaintiffs the relief requested. Plaintiffs further pray for all such other relief to which they may show themselves justly entitled at law or in equity.

Respectfully submitted,

THE VETHAN LAW FIRM, PC

By: /s/ Joseph L. Lanza

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*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was electronically filed with the Court on the 12th day of March 2021, and electronically served on the date reflected in the ECF system upon all parties registered to receive notice pursuant to the Court's CM/ECF system.

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